



Patent
Attorney's Docket No. 024916-010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Pamela A. SOKOL et al.)	Group Art Unit: 1647
)	
Application No.: 09/988,019)	Examiner: Sharon L. Turner
)	
Filed: November 16, 2001)	Confirmation No.: 7683
)	
For: CONSERVED METALLOPROTEASE)	
EPITOPES)	

REPLY TO RESTRICTION REQUIREMENT TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a Reply to Restriction Requirement for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is/are _____.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$385.00 (2801) ☐ \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted ___, on ___, for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

(10/03)

☒ No additional claim fee is required.

☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims	13	MINUS 20 =	-0-	× \$18.00 (1202) =	-0-
Independent Claims	2	MINUS 3 =	-0-	× \$86.00 (1201) =	-0-
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					-0-

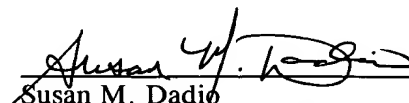
☐ A check in the amount of \$ _____ is enclosed for the fee due.

☐ Charge \$ _____ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
 Susan M. Dadi
 Registration No. 40,373

P.O. Box 1404
 Alexandria, Virginia 22313-1404
 (703) 836-6620

Date: January 15, 2004



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REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Official Communication mailed on December 15, 2003, requiring restriction pursuant to 35 U.S.C. § 121, Applicants offer the following reply.

Applicants hereby elect, with traverse, to prosecute the invention of Group I, claims 25 and 27-35. Applicants further elect, with traverse, to prosecute the invention of Group A, *i.e.*, antibodies specific for a peptide selected from SEQ ID Nos: 1-11 and 14.

As provided in section 803 of the Manual of Patent Examining Procedure ("M.P.E.P."), there are two criteria for a proper requirement for restriction: (1) the inventions must be independent or distinct; and (2) there must be a serious burden on the Examiner if restriction is required. In this case, the restriction requirement is improper because at least the search and examination of all of the pending claims can be made without serious burden. At a minimum, all parts — Groups A, B and C — of Group I

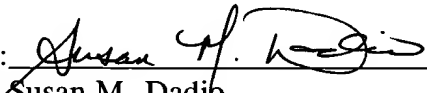
(claims 25 and 27-35) and Group III (claims 36-37) should be examined together since the search would certainly be coextensive as the claims of Group III are directed to a method of using the antibody set forth in the claims of Group I.

In the event the Examiner maintains the restriction requirement, particularly between Groups I and III, applicants note that the non-elected process claims of Group III should be rejoined once the elected product claims of Group I are found allowable.

In the event that there are any questions relating to this Reply to Restriction or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of the application may be expedited.

Respectfully submitted,

Burns, Doane, Swecker & Mathis, L.L.P.

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